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ORAL STATEMENT

ITEM 3: INTERACTIVE DIALOGUE WITH THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WHILE COUNTERING TERRORISM

UN Human Rights Council  
Thirty-seventh session  
26 February – 23 March 2018

Madame Vice President,

Amnesty International welcomes the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on addressing the human rights challenges of states of emergency in the context of countering terrorism.

Madame Rapporteur,

In 2017, Amnesty International documented how governments have used narratives around national security and countering terrorism as justification for their efforts to reconfigure the relationship between the state and individuals with inalienable rights, including through mass detention and removal of procedural safeguards. States of emergency have been in place for extended periods of time, sometimes years, in Egypt, Ethiopia, France, Mali, Niger, Tunisia, and Turkey, among others. For example, in France, emergency measures were in place for nearly two years and some have recently been enshrined in the ordinary law. A number of states have adopted laws that grant them emergency powers without safeguards to ensure that such exceptional measures comply with their international human rights obligations.

Amnesty International welcomes that your report clearly sets out international obligations in relation to derogation during a state of emergency, including through the full respect for the principles of legality, legitimacy, necessity, proportionality and non-discrimination and with robust independent judicial oversight at all phases. We hope that this report is the foundation of planned work with the Human Rights Council, other relevant institutions, and UN member states to ensure that the international framework governing states of emergency is not abused.

What measures are you recommending to this Council, and other relevant institutions, as well as UN member states, in order to ensure that measures adopted under a state of emergency do not subsequently become the “new normal”?

Thank you, Madame Vice President.